

Notice of Allowability

Application No.

10/612,993

Examiner

Matthew O Savage

Applicant(s)

COVINGTON, EDWARD ALLEN

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5-5-04.
2. ☒ The allowed claim(s) is/are 28-30, and 35-37 renumbered 1-6, respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Matthew O Savage
Primary Examiner
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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John R. Moses on 7-26-04.

Claim 28 (Currently Amended) An oil pan and filter assembly having an axis parallel to the direction an automotive vehicle normally travels, comprising:

a housing adapted for attachment to an automotive vehicle device, the housing defining a space for accumulating oil between on a floor of the housing, said floor leading to ~~and~~ and an opening to a sump in a direction that is generally parallel to said axis;

a pleated filter media disposed in the opening to the sump, the filter media having a dirty side facing upwardly and a clean side facing the sump; ~~the pleated filter media having peaks and valleys extending in a direction~~ that is generally parallel to the said axis of the automotive vehicle to define troughs which keep a portion of the oil on the dirty side of the filter media from laterally shifting when the automotive vehicle turns; ~~and~~

a suction passageway from the sump to a location outside of the oil pan, the suction passageway adapted to be connected to a suction pump for pulling the oil out of the sump and conveying the oil out of the pan for recirculation.

The following paragraph has been inserted before the first line of page 1 of the specification: --

Cross Reference to Related Applications.

This application is a continuation of U.S. Patent Application Serial Number 08/902,625 filed on July 29, 1997, now U.S. Patent Number 6,616,836. --.

On line 28 of page 4 of the specification, "62-66" has been changed to --62, 63, 65, and 66--.

On line 30 of page 5 of the specification, "26" has been changed to --86--.

On page 6 of the specification:

on line 3, "86" has been changed to --16--;

on line 14, "92" has been changed to --84--;

on lines 18 and 22, " 16' " has been changed to --12'--.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

FIG. 3 must be amended to include reference number 42 and the associated lead line;

Reference number 16' must be changed to 12' in FIGS 12, and 13.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance: Hall taken in combination with Taniguchi is considered the closest prior art, however, the references fail to teach or suggest instantly claimed relation of the floor leading to an opening to a sump in a direction that is generally parallel to the axis parallel to the direction an automotive vehicle travels and the pleated filter media having peaks and valleys extending in a direction that is generally parallel to the axis as recited in instant claim 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew O Savage
Primary Examiner
Art Unit 1724

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July 26, 2004